

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TEKELIA PRESTON,

Plaintiff,

VS.

**BALDWIN STATE PRISON
MEDICAL STAFF,**

Defendant.

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NO. 5:20-CV-00303-MTT-CHW

ORDER

Pro se Plaintiff Tekelia Preston, a prisoner most recently confined in the Baldwin State Prison (“BSP”) in Hardwick, Georgia, has filed a document that has been construed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 (ECF No. 1). On August 14, 2020, Plaintiff was ordered to either pay the Court’s filing fee or submit a complete and proper motion for leave to proceed *in forma pauperis*. Plaintiff was also directed to recast his Complaint on the Court’s standard § 1983 form. Plaintiff was given twenty-one (21) days to comply, and he was warned that the failure to fully and timely comply could result in the dismissal of this action. *See generally* Order, Aug. 14, 2020, ECF No. 5.

The time for compliance passed without a response from Plaintiff. As such, Plaintiff was ordered to respond and show cause why his lawsuit should not be dismissed for his failure to comply with the Court’s previous orders and instructions. Plaintiff was again given twenty-one (21) days to comply, and he was warned that the failure to respond would result in the dismissal of his Complaint. *See generally* Order, Sept. 28, 2020, ECF No. 6.

The time for compliance has again passed without a response from Plaintiff. Because Plaintiff has failed to comply with the Court's instructions and orders and otherwise failed to diligently prosecute his claims, this action is **DISMISSED without prejudice**. See Fed. R. Civ. P. 41; see also *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (“The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.”) (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 1st day of December, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT